

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NORTH CAROLINA - GREENVILLE DIVISION

Case number (if known) _____

Chapter you are filing under:

☐ Chapter 7☐ Chapter 11☐ Chapter 12☒ Chapter 13☐ Check if this an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself**About Debtor 1:****About Debtor 2 (Spouse Only in a Joint Case):****1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Larry

First name

Middle name

Bring your picture identification to your meeting with the trustee.

Wellman

Last name and Suffix (Sr., Jr., II, III)

Freida

First name

Peele

Middle name

Wellman

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

Freida P. Wellman
Freida Wellman

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)**xxx-xx-7559****xxx-xx-7746**

Debtor 1 **Larry Wellman**
 Debtor 2 **Freida Peele Wellman**

Case number (if known) _____

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

Include trade names and *doing business as* names

☐ I have not used any business name or EINs.

DBA Wellman Retirement Center, Inc.

Business name(s)

EINs

☐ I have not used any business name or EINs.

DBA Wellman Retirement Center, Inc.

Business name(s)

EINs

5. Where you live

**909 Parkside Dr.
 Wilson, NC 27896**

Number, Street, City, State & ZIP Code

Wilson

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

If Debtor 2 lives at a different address:

**202 NC Hwy 186
 Garysburg, NC 27831**

Number, Street, City, State & ZIP Code

Northampton

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason.
 Explain. (See 28 U.S.C. § 1408.)

Check one:

☒ Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

☐ I have another reason.
 Explain. (See 28 U.S.C. § 1408.)

Debtor 1 **Larry Wellman**
 Debtor 2 **Freida Peele Wellman**

Case number (if known) _____

Part 2: Tell the Court About Your Bankruptcy Case

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one.* (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)*). Also, go to the top of page 1 and check the appropriate box.
- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☒ Chapter 13
-
8. **How you will pay the fee** ☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.
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9. **Have you filed for bankruptcy within the last 8 years?** ☐ No.
- ☒ Yes.
- | | | | |
|--|--|----------------------|-----------------------------------|
| | District <u>Eastern District of North Carolina</u> | When <u>6/01/15</u> | Case number <u>15-0316-5-JNC</u> |
| | District <u>Eastern District of North Carolina</u> | When <u>10/03/13</u> | Case number <u>13-06245-8-SWH</u> |
| | District _____ | When _____ | Case number _____ |
-
10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?** ☒ No
- ☐ Yes.
- | | |
|----------------|--|
| Debtor _____ | Relationship to you _____ |
| District _____ | When _____ Case number, if known _____ |
| Debtor _____ | Relationship to you _____ |
| District _____ | When _____ Case number, if known _____ |
-
11. **Do you rent your residence?** ☒ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Debtor 1 **Larry Wellman**
 Debtor 2 **Freida Peele Wellman**

Case number (if known) _____

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

☒ No. Go to Part 4.

☐ Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

 Name of business, if any

 Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

☒ No. I am not filing under Chapter 11.

☐ No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

☒ No.

☐ Yes. What is the hazard? _____

If immediate attention is needed, why is it needed? _____

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property? _____

 Number, Street, City, State & Zip Code

Debtor 1 **Larry Wellman**
 Debtor 2 **Freida Peele Wellman**

Case number (if known) _____

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling

15. Tell the court whether you have received a briefing about credit counseling.

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**
- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☒ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ **I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ **I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

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If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ **I am not required to receive a briefing about credit counseling because of:**

- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.

- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.

- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Debtor 1 **Larry Wellman**
 Debtor 2 **Freida Peele Wellman**

Case number (if known) _____

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?	16a.	Are your debts primarily consumer debts? <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input type="checkbox"/> No. Go to line 16b. <input checked="" type="checkbox"/> Yes. Go to line 17.
	16b.	Are your debts primarily business debts? <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment. <input type="checkbox"/> No. Go to line 16c. <input type="checkbox"/> Yes. Go to line 17.
	16c.	State the type of debts you owe that are not consumer debts or business debts _____

17. Are you filing under Chapter 7?	<input checked="" type="checkbox"/> No.	I am not filing under Chapter 7. Go to line 18.
Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?	<input type="checkbox"/> Yes.	I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors? <input type="checkbox"/> No <input type="checkbox"/> Yes

18. How many Creditors do you estimate that you owe?	<input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5001-10,000 <input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000
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19. How much do you estimate your assets to be worth?	<input checked="" type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
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20. How much do you estimate your liabilities to be?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$500,000 <input checked="" type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
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Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Larry Wellman

Larry Wellman

Signature of Debtor 1

/s/ Freida Peele Wellman

Freida Peele Wellman

Signature of Debtor 2

Executed on **May 22, 2018**

MM / DD / YYYY

Executed on **May 22, 2018**

MM / DD / YYYY

Debtor 1 **Larry Wellman**
 Debtor 2 **Freida Peele Wellman**

Case number (if known) _____

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Richard L. Cannon, III

Signature of Attorney for Debtor

Date

May 22, 2018

MM / DD / YYYY

Richard L. Cannon, III

Printed name

Cannon Law Offices, PLLC

Firm name

300 East Arlington Blvd.

Suite 5

Greenville, NC 27858

Number, Street, City, State & ZIP Code

Contact phone **(252) 355-2010**

Email address

rlc3@prodigy.net

10825 NC

Bar number & State

**United States Bankruptcy Court
Eastern District of North Carolina - Greenville Division**

In re	Larry Wellman Freida Peele Wellman	Debtor(s)	Case No. Chapter	13
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VERIFICATION OF CREDITOR MATRIX

The above-named Debtors hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: May 22, 2018	/s/ Larry Wellman Larry Wellman Signature of Debtor
Date: May 22, 2018	/s/ Freida Peele Wellman Freida Peele Wellman Signature of Debtor
Date: May 22, 2018	/s/ Richard L. Cannon, III Signature of Attorney Richard L. Cannon, III Cannon Law Offices, PLLC 300 East Arlington Blvd. Suite 5 Greenville, NC 27858 (252) 355-2010 Fax: (252) 355-2994

ADT
Attn: Managing Agent/Officer
P.O. Box 650485
Dallas, TX 75265

City of Wilson
Attn: Managing Agent/Officer
P.O. Box 10
Wilson, NC 27894

NC Department of Revenue
ATTN: Bankruptcy Dept.
Post Office Box 1168
Raleigh, NC 27602-1168

Altair OH XIII, LLC
c/o Weinstein, Pinson & Riley
2001 Western Ave., Ste. 400
Seattle, WA 98121

Comenity Bank
Attn: Managing Agent/Officer
P. O. Box 182125
Columbus, OH 43218-2125

New Southern Loans
Attn: Managing Agent/Officer
2405 West Nash St.
Wilson, NC 27896

American InfoSource LP
Attn: Managing Agent
P.O. Box 71083
Charlotte, NC 28272-1083

Credit Collection Services
Attn: Managing Agent/Officer
P.O. Box 55126
Boston, MA 02205

Northampton Co. Tax Collector
Attn: Managing Agent/Officer
P. O. Box 637
Jackson, NC 27845-0637

Bank of America
Attn: Managing Agent/Officer
P.O. Box 982284
El Paso, TX 79998

DIRECTV Customer Service
Attn: Managing Agent/Officer
P.O. Box 6550
Englewood, CO 80155

Northampton County Clerk of Cou
Attn: Managing Agent/Officer
104 W. Jefferson St.
Jackson, NC 27845

Capital One Bank
Attn: Managing Agent/Officer
P.O. Box 30285
Salt Lake City, UT 84130

FCI Lender Services, Inc.
Attn: Managing Agent/Officer
P.O. Box 27370
Anaheim, CA 92809

Pitney Bowes
Attn: Managing Agent/Officer
P.O. Box 856042
Louisville, KY 40285

Carolina Telephone & Telegraph, LLC
Attn: Managing Agent/Officer
359 Bert Kouns
Shreveport, LA 71106

Fortiva
Attn: Managing Agent/Officer
P.O. Box 10555
Atlanta, GA 30348

Quantum3 Group, LLC
Attn: Managing Agent/Officer
P. O. Box 788
Kirkland, WA 98083-0788

Carrington Mortgage Service, LLC
Attn: Managing Agent/Officer
P.O. Box 3489
Anaheim, CA 92803

Internal Revenue Service
Department of the Treasury
Post Office Box 7346
Philadelphia, PA 19101-7346

Resurgent Capital Services
Attn: Managing Agent/Officer
P.O. Box 10587
Greenville, SC 29603-0587

CenturyLink
Attn: Managing Agent/Officer
100 CenturyLink Drive
Monroe, LA 71201

Law Offices of Rick D. Lail
Attn: Managing Agent/Officer
P.O. Box 30081
Charlotte, NC 28230

Rushmore Loans
Attn: Managing Agent/Officer
P.O. Box 55004
Irvine, CA 92619

Citi Financial
Attn: Managing Agent/Officer
300 St. Paul Place
Baltimore, MD 21202

Mariner Finance
Attn: Managing Agent/Officer
8211 Town Center Drive
Nottingham, MD 21236

Select Portfolio Servicing
C/O Managing Agent/Officer
PO Box 65250
Salt Lake City, UT 84165-0250

SFC-Central Bankruptcy
C/O Managing Agent/Officer
PO Box 1893
Spartanburg, SC 29304

W.S. Badcock Corporation
Attn: Managing Agent/Officer
PO Box 232
Mulberry, FL 33860

SLM Financial Corp.
Attn: Managing Agent/Officer
300 Continental Dr.
Newark, DE 19713-4322

Wells Fargo Bank, NA
Attn: Managing Agent/Officer
P.O. Box 5058 MAC P6053-021
Portland, OR 97208

SN Servicing Corporation
Attn: Managing Agent/Officer
323 5th St.
Eureka, CA 95501

Wells Fargo Dealer Services, Inc.
Attn: Managing Agent/Officer
P.O. Box 19657
Irvine, CA 92623-9657

Sprint
Attn: Managing Agent/Officer
P.O. Box 105243
Atlanta, GA 30348

Wilson County Clerk of Court
Attn: Managing Agent/Officer
115 Nash St. E
Wilson, NC 27893

Staples Credit Plan
Attn: Managing Agent/Officer
P.O. Box 689020
Des Moines, IA 50368-9020

Wilson County Tax Collector
ATTN: Officer/Managing Agent
Post Office Box 1162
Wilson, NC 27894-1162

Stern & Eisenberg
Attn: Managing Agent/Officer
1581 Main St., Suite 200
Warrington, PA 18976

SunTrust Bank
Attn: Managing Agent/Officer
P.O. Box 85092
Richmond, VA 23286

Synchrony Bank
ATTN: Bankruptcy Dept.
P. O. Box 965060
Orlando, FL 32896-5080

Town of Garysburg
Attn: Managing Agent/Officer
504 Old Hwy Rd.
Garysburg, NC 27831